

City of Clewiston
Special Magistrate
Regular Hearing
November 29, 2012

The City of Clewiston Special Magistrate held its regular meeting in the city hall commission chambers, 115 West Ventura Avenue, Clewiston, Florida, on Wednesday, November 29, 2012. The meeting was called to order at 2:01 p.m. by Magistrate Watt.

Attendance

Magistrate present: James L. Watt

Personnel present: Don Gutshall, Adam Marquith, Travis Reese, Debra Towner

Visitor(s) present: Clint Cheek, Nick Gamer, Timmy Hough, Lydia Perez, Philip Roland, Greg Westberry

Special Magistrate Watt briefly summarized the purpose of the hearing.

Approval of minutes from August 1, 2012: Let the record show an accurate reflection of the proceedings as presented.

Swearing in of all parties intending to present testimony.

Additions/deletions to agenda: Mr. Reese stated that both agenda item #1 and #6 are in compliance and recommends dismissal.

New Business:

Magistrate Watt announced that the purpose of the public hearing was to discuss and receive input from all interested parties regarding the following agenda items:

1. 12-0095, 527 West El Paso Avenue, owner of record, Glenn Rhodes.
6. 12-0232, 331 East El Paso Avenue, owner of record, John Allen EST.

Neither property owners were present. Code Officer Travis Reese verified that proper notice was given and that the properties are now in compliance.

The City of Clewiston recommended dismissal of these cases.

Mr. Watt ruled that the two (2) cases listed above are in compliance and are dismissed.

Case No.12-0167:

Magistrate Watt announced that the purpose of the public hearing was to discuss and receive input from all interested parties regarding case number 12-0167, for the property located at 728 Bond Street, owner of record, Billy Wade Dawson.

Mr. Reese stated that the violation is lack of care of premises per code section #18-590 and proper notice was given.

Code officer Marquith verified pictures of the property as the owner nor an agent was present at the meeting.

The City of Clewiston recommended and Mr. Watt ruled that the owner has thirty (30) days to correct the violation and to contact the office that it has been completed at which time a code officer will verify closure of the case. Failure to comply will result in a fine assessment of \$25 per day. The case will be heard at the next Magistrate hearing to determine if fines are to be levied.

Case No.12-0182:

Magistrate Watt announced that the purpose of the public hearing was to discuss and receive input from all interested parties regarding case number 12-0182, for the property located at 415 West Pasadena Avenue, owner of record, Francisco Torres.

Mr. Reese stated that the violation is overgrown lawn and fenceline per code section #18-640 and proper notice was given.

Code officer Marquith verified pictures of the property as the owner nor an agent was present at the meeting.

The City of Clewiston recommended and Mr. Watt ruled that the owner has thirty (30) days to correct the violation and to contact the office that it has been completed at which time a code officer will verify closure of the case. Failure to comply will result in a fine assessment of \$25 per day. The case will be heard at the next Magistrate hearing to determine if fines are to be levied.

Case No.12-0187:

Magistrate Watt announced that the purpose of the public hearing was to discuss and receive input from all interested parties regarding case number 12-0187, for the property located at 425 East Pasadena Avenue, owner of record, Linda D. Paige.

Mr. Reese stated that the violation is lack of property maintenance per code section #18-590 and proper notice was not given.

The City of Clewiston recommended and Mr. Watt concurred to table the agenda item until proper notice has been given.

Case No.12-0215:

Magistrate Watt announced that the purpose of the public hearing was to discuss and receive input from all interested parties regarding case number 12-0215, for the property located at 500 South San Pedro Street, owner of record, Martha C. Hernandez.

Mr. Reese stated that the violation is overgrown lawn and fenceline per code section #18-640 and proper notice was given.

Code officer Marquith verified pictures of the property as the owner nor an agent was present at the meeting.

The City of Clewiston recommended and Mr. Watt ruled that the owner has thirty (30) days to correct the violation and to contact the office that it has been completed at which time a code officer will verify closure of the case. Failure to comply will result in a fine assessment of \$25 per day. The case will be heard at the next Magistrate hearing to determine if fines are to be levied.

Case No.12-0266:

Magistrate Watt announced that the purpose of the public hearing was to discuss and receive input from all interested parties regarding case number 12-0266, for the business located at 107 Bond Street, a.k.a. 116 East Sugarland Hwy., owner of record, Timothy & Julia Hough.

Mr. Reese stated that the violation is a non-conforming business being operated within 1,000 feet of a public park per code section #110-440 and proper notice was given to both owner and tenant. He also commented that the office had received numerous complaints about the new business. Questions were also raised due to an ad insert found in the Clewiston News announcing the grand opening of the Silver Dollar Internet Cafe. The Business Tax Receipt was issued to Clewiston Tech Services, Inc.

Code officer Marquith gave testimony that there appeared to be internet gaming being conducted at this location but that the business tax receipt application stated that it was a business center, offering fax, copy and internet services for an hourly fee.

Mr. Cheek, owner of the Clewiston Tech Services, Inc. stated that it is a sweepstakes type of service offered, not gaming. He went on to say that it is no different than how McDonald's conducts their Monopoly game for the chance to win something.

After discussing the ordinance 110-440, Mr. Watt ruled that the language appears to be contradictory and recommended that the City review the entire ordinance. Therefore, there is no case against Mr. Cheek. Case #12-0266 is closed.

Other Business:

Case #10-222 request of lien reduction - 401 E Sugarland Hwy., Lawrence Gamer

Mr. Reese there was an order for non-compliance for a total of 140 days running from March 29, 2011 until August 17, 2011 when the case was found in compliance and closed. The total amount due by the owner, Lawrence Gamer, is \$3,800.00. Mr. Nick Gamer, son of the owner, stated that his father is in ill health and was unable to attend to his property in Clewiston. Mr. Reese testified that the property has been continuously maintained since coming into compliance in August of 2011. He further stated that many businesses had complained about 401 East Sugarland Hwy. causing the City to play a more active role in the violations at that property and recommends reducing the lien by 50%. Mr. Watt listened to all testimony and ruled to reduce the total lien to \$1,500.

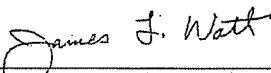
Case #12-0031 request of lien reduction-810 N Lopez, James & Kristi Durrance

Mr. Reese there was an order for non-compliance for a total of 168 days running from April 28, 2012 until October 11, 2012 when the case was found in compliance and closed. The total amount due by the owners, James & Kristi Durrance, is \$4,500.00. Mr. Greg Westberry, new owner of the property, stated that he and his son have made substantial improvements to the property since purchasing it on October 30, 2012. Mr. Reese testified that the Westberry's have gone above and beyond and recommends eliminating the lien. Mr. Watt listened to all testimony and ruled to reduce the total lien to \$0, ordering the lien to be paid in full; however, Mr. Westberry will be responsible for all recording fees associated with this lien and will be notified in writing with a total after approval by the City Commission at their next regular meeting.

Magistrate Watt closed the public hearing after receiving no further comments, written or oral, from the audience or the board.

Adjournment:

The meeting adjourned at 2:39 p.m.


James Watt, Special Magistrate